

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

USI INSURANCE SERVICES
NATIONAL, INC., formerly known as
WELLS FARGO INSURANCE
SERVICES USA, INC.,

Plaintiff,

v.

STANLEY OGDEN, an individual;
ELENOR O'KEEFE, an individual; JOHN
HASKELL, JR., an individual; and ABD
INSURANCE AND FINANCIAL
SERVICES, INC., a Delaware corporation,
Defendants.

NO. 2:17-CV-01394-SAB

**ORDER GRANTING
PLAINTIFF'S MOTION FOR A
PROTECTIVE ORDER**

Before the Court is Plaintiff's Motion for a Protective Order and to Quash Defendants' Trial Subpoenas Directed to USI Insurance Services National, Inc. and Peter Nickerson, Ph.D., ECF No. 222. The motion was heard without oral argument. Plaintiff is represented by Thomas Holt, Megan Crowhurst, and Anne Reuben. Defendants are represented by Christopher Banks, Molly Terwilliger, Patrick Duffey, Debra Fischer and Anna Saber.

**ORDER GRANTING PLAINTIFF'S MOTION FOR A PROTECTIVE
ORDER ~ 1**

1 Pursuant to Fed. R. Civ. P. 45(d), Plaintiff seeks to quash the February 3,
2 2023 subpoenas directed to Plaintiff and its expert witness. The subpoenas directed
3 Plaintiff and Dr. Nickerson to produce at trial the “native versions of each the excel
4 spreadsheets (Projected Loses for Clients Associated with Stanley Ogden, Eleanor
5 O’Keefe, and Lewis Dorington) included as Appendix C of the Expert Report of
6 Peter Nickerson. ECF No. 147-3.”

7 Plaintiff argues the subpoenas are untimely and are an attempt to conduct
8 additional discovery through improper means. The Court agrees. The discovery
9 period has closed. Moreover, the purpose of trial subpoenas is to compel the
10 attendance of a witness, not obtain discovery. Good cause exists to grant the
11 motion.

12 Accordingly, **IT IS HEREBY ORDERED:**

13 1. Plaintiff’s Motion for a Protective order and to Quash Defendants’
14 Trial Subpoenas Directed to USI Insurance Services National, Inc. and Peter
15 Nickerson, Ph.D., ECF No. 222, is **GRANTED**.

16 2. The February 3, 2023 Subpoenas to Appear and Testify At a Hearing
17 or Trial in a Civil Action directed to Plaintiff and Peter Nickerson are **QUASHED**.

18 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
19 this Order and to provide copies to counsel.

20 **DATED** this 22nd day of February 2023.

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24 U.S. District Judge Stanley A. Bastian
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